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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 PAUL WHITFORD and MEGAN
11 JAYNE WHITFORD,

12 Plaintiffs,

13 v.

14 MT. BAKER SKI AREA, INC., a
15 corporation organized under the laws of
the State of Washington,

16 Defendant.

CASE NO. 11-0112-RSM

ORDER REGARDING PLAINTIFFS'
MOTION *IN LIMINE* AND
PLAINTIFFS' SUPPLEMENTAL
MOTIONS *IN LIMINE*

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18 THIS MATTER comes before the Court upon Plaintiffs' First Motion *in Limine* (Dkt. #
19 50) and Plaintiffs' Supplemental Motions *in Limine* (Dkt. # 66). Having considered the
20 pleadings and the records on file herein, the Court hereby finds and ORDERS:

- 21 1. That Plaintiffs' Motion *in Limine* to exclude evidence or testimony regarding prior
22 incidents or the lack thereof is DEFFERED. The Court will rule at trial on a case-by-
23 case basis. Irrelevant testimony will be excluded.
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- 1 2. That Plaintiffs' Motion *in Limine* to exclude evidence of safety inspections is
2 DENIED.
- 3 3. That Plaintiffs' Motion *in Limine* to exclude testimony by Mr. John Mauch regarding
4 the "sufficiency" of the safety net is DENIED.
- 5 4. That Plaintiffs' Motion *in Limine* to exclude testimony of witnesses not designated
6 pursuant to Plaintiffs' Fed. R. Civ. P. 30(b)(6) deposition notice is DENIED.
- 7 5. That Plaintiffs' Motion *in Limine* to exclude testimony regarding the absence of
8 similar falls at other ski areas is DENIED.
- 9 6. That the parties have represented to the Court that they have STIPULATED to
10 Plaintiffs' Motion *in Limine* to exclude evidence of Defendant's safety practices and
11 safety history not relating to the Chair No. 1 mid-station.
- 12 7. That Plaintiffs' Motion *in Limine* to exclude testimony or evidence regarding (i) the
13 snow level at the time of the incident; (ii) the distance between the snow level and the
14 platform; and (iii) the distance that Mr. Whitford fell is DENIED.
- 15 8. That Plaintiffs' Motion *in Limine* to exclude testimony that Mr. Whitford did not
16 appear injured is DENIED.
- 17 9. That the parties have represented to the Court that they have STIPULATED to
18 Plaintiffs' Motion *in Limine* to exclude evidence or argument that Mr. Whitford's
19 medical care was not reasonable and necessary.
- 20 10. That the parties have represented to the Court that they have STIPULATED to
21 Plaintiffs' Motion *in Limine* to exclude evidence of collateral sources for payment of
22 medical expenses and lost compensation.
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1 11. That Plaintiffs' Motion *in Limine* to exclude evidence of Mr. Whitford's medical
2 expenses and the amount thereof is DENIED.

3 12. That Plaintiffs' Motion *in Limine* to exclude argument that general damages should
4 be based on the amount of Mr. Whitford's medical expenses is DENIED.

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6 The Clerk is directed to forward a copy of this Order to all counsel of record.

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8 Dated April 12, 2012.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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